

ORDINANCE NO. 2020-3797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, AMENDING ORDINANCE 2020-3771 AND ORDINANCE 2020-3787 TO PROVIDE ADDITIONAL VOTING INFORMATION REGARDING THE NOVEMBER 3, 2020, GENERAL ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 13, 2020, the City Council passed Ordinance 2020-3771, which ordered an election to be held on May 2, 2020, for the purpose of electing a Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large-Position B; and

WHEREAS, on March 30, 2020, the City Council adopted Ordinance 2020-3787, amending Ordinance 2020-3771, for the purpose of postponing the May 2, 2020, general election to November 3, 2020, for the purpose of electing a Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large-Position B; and

WHEREAS, on July 27, 2020, Texas Governor Greg Abbott issued a proclamation for the State of Texas related to the COVID-19 pandemic concerning early voting, suspending Section 85.001(a) of the Texas Election Code to the extent necessary to require that, for any election ordered or authorized to occur on November 3, 2020, early voting by personal appearance shall begin on Tuesday, October 13, 2020, and shall continue through the fourth day before election day, and further suspending Section 86.006(a-1) of the Texas Election Code, for any election ordered or authorized to occur on November 3, 2020, to the extent necessary to allow a voter to deliver a marked mail ballot in person to the early voting clerk's office prior to and including on election day; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott issued a Disaster Declaration for the State of Texas related to the COVID-19 pandemic, which has been successively extended, including on August 8, 2020; and

WHEREAS, on March 13, 2020, the Mayor of La Porte issued a Disaster Declaration for the City of La Porte, which declaration was extended until April 3, 2020, by the City Council, on March 20, 2020, and then on March 30, 2020, to continue in effect until such time as the COVID-19 Disaster Declaration issued by Texas Governor Greg Abbott on March 13, 2020, expires or is withdrawn, unless sooner terminated by executive order of the Mayor or by the City Council; and

WHEREAS, the City Council finds that it is in the public interest to provide this ordinance amending Ordinances 2020-2771 and 2020-3787, as an update regarding the extension of early voting and Harris County polling location information, attached as Exhibit A;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are true and correct and are hereby incorporated into the body of this ordinance by reference.

SECTION 2. Pursuant to authority extended to political subdivisions in the March 18, 2020, Proclamation of Texas Government Greg Abbott, City of La Porte Ordinance 2020-3771 is hereby amended to postpone the ordered election for the City of La Porte from May 2, 2020, to November 3, 2020. The regular municipal election of the City of La Porte, Texas, for election of members of the

City Council prescribed by Section 2.03 of the City Charter, shall be held between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m. on the 3rd day of November, 2020, in the city, for the purpose of electing a Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large—Position B. A run-off election, if necessary, will be ordered in accordance with law and will be held, on a date determined by Harris County, on that day between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m.

SECTION 3. The City is hereby divided into six (6) election precincts, corresponding to the boundaries of the six City Council single-member districts. The boundaries of such districts are as established, defined, and outlined in Ordinance 2011-3384. The polling places for these election precincts shall be as determined by a joint election agreement and election services contract to be arranged with Harris County:

SECTION 4. This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any election services contract(s) and/or joint election agreement(s) that may be authorized by the City Council.

SECTION 5. Any eligible and qualified person may have his or her name upon the official ballot as an independent candidate by submitting an application, which, in accordance with Texas Election Code Section 141.031, must be in writing and be signed and sworn to by the candidate and indicate that the candidate swears to the application. Such application for the general election may be filed with the City Secretary beginning on January 15, 2020, and must be filed not later than 5:00 p.m. on February 14, 2020. The candidate filings for the election originally ordered for May 2, 2020, will remain valid for the election to be held on November 3, 2020, and the original filing period that ended on February 14, 2020, at 5:00 p.m. will not be reopened. The voter registration deadline is October 5, 2020.

SECTION 6. Each Councilperson—District 1, Councilperson—District 6, and Councilperson-at-large—Position B shall each be elected by majority vote of all the votes cast for the office for which he or she is a candidate and shall hold office for a period of three (3) years.

SECTION 7. Each candidate for the office of Councilperson-at-large—Position B must be a resident qualified voter of the City for twelve (12) months immediately preceding election day. Each candidate for the office of Councilperson-District 1 and Councilperson-District 6 must be a resident qualified voter of the City for twelve (12) months immediately preceding election day and must also be a resident of the district for which he or she files for twelve (12) months immediately preceding election day, in accordance with Section 2.02(a) of the City Charter.

SECTION 8. Harris County shall appoint the Early Voting Clerk and Deputy Early Voting Clerk for the joint early voting in person and voting by mail, and designate the Main Early Voting Location for early voting for the election.

Applications for ballot by mail may be mailed, faxed, emailed, or delivered by common or contract carrier to:

Regular mail to:

Chris Hollins
Harris County Clerk
Attn: Elections Division
Post Office Box 1148

Common or contract carrier:

Chris Hollins
Harris County Clerk
1001 Preston, 4th Floor, Room 440
Houston, TX 77002

Houston, TX 77251-1148

Phone: (713) 755-6965 Fax: (713)-755-4983 or (713)-437-8683 Email: BBM@cco.hctx.net who shall promptly provide them per the provisions of the Texas Election Code. The deadline to hand deliver an application for a ballot by mail (ABBM) is Monday, October 12, 2020. The last day for the early voting clerk to receive applications for a ballot to be voted by mail via mail, fax, common or contract carrier, or email, per the Election Code provisions of Sec. 84.007(c) is October 23, 2020. The early voting clerk's designated email address must be posted on the Secretary of State's website. If a voter submits an application for ballot by mail via fax or e-mail, the early voting clerk must receive an original or a copy with a wet signature via mail within four business days of the submission of the fax or email, per Election Code Sec. 84.007(c).

All ABBMs submitted based on the applicant being over the ages of 65 or due to disability will remain valid for the November 3, 2020, election; ABBMs for voters who submitted ABBMs based on expected absence from the city regarding the May 2, 2020, election will not be valid for the November 3, 2020 election.

The places at which Early Voting by personal appearance shall be conducted shall be designated by Harris County.

During the lawful early voting period, which will be from October 13, 2020, through October 30, 2020, such Early Voting Clerk shall keep such locations for early voting open for early voting as required by the Texas Election Code, at a minimum.

SECTION 9. The places at which Election Day voting by personal appearance shall be conducted shall be designated by Harris County.

SECTION 10. Voting at said election, including early voting, shall be by the use of voting machines; and the ballots of said election shall conform to the Texas Election Code, as amended. Harris County, via the contract for election services/joint election agreement, is hereby authorized and directed to obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station.

SECTION 11. The City Secretary of the City of La Porte shall forthwith issue Notice of said election to be published one time in the *Bay Area Observer*, which is hereby found and declared to be a newspaper of general circulation in said City, not less than ten (10) days nor more than thirty (30) days prior to the date of the said election; in addition, Notice of said election shall be posted on the bulletin board in City Hall not later than the twenty-first (21st) day before election day and remain posted thorough election day.

SECTION 12. The Mayor and/or the City Secretary of the City of La Porte are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

SECTION 13. Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision; and if any provision

hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.


SECTION 14. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 15. All portions of Ordinances 2020-3771 and 2020-3787 not specifically amended as provided herein shall remain in full force and effect.

SECTION 16. This ordinance shall be in effect immediately upon its passage and approval.


PASSED AND APPROVED, this, the 14th day of September, 2020.

CITY OF LA PORTE, TEXAS



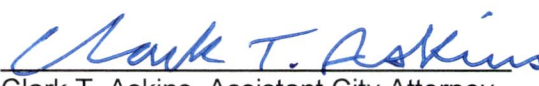
Louis R. Rigby, Mayor

ATTEST:



Lee Woodward, City Secretary

APPROVED AS TO FORM:



Clark T. Askins, Assistant City Attorney

Exhibit A

November 3, 2020, Polling Locations and Hours in La Porte

(Subject to change per action of the Harris County Commissioners Court)

Early Voting – October 13-30

La Porte voters are able to vote at any Harris County location (approx. 100; full list available at HarrisVotes.com)

Tuesday, October 13th – Saturday, October 17th: 7:00 a.m. – 7:00 p.m.

Sunday, October 18th: 12:00 p.m. – 7:00 p.m.

Monday, October 19th – Saturday, October 24th: 7:00 a.m. – 7:00 p.m.

Sunday, October 25th: 12:00 p.m. – 7:00 p.m.

Monday, October 26th: 7:00 a.m. – 7:00 p.m.

Tuesday, October 27th – Thursday, October 29th: 7:00 a.m. – 10:00 p.m.

Thursday, October 29th – Harris County is establishing a limited number of 24-hr. polling locations that will extend into Friday morning – check HarrisVotes.com to confirm

Friday, October 30th: 7:00 a.m. – 7:00 p.m.

The early voting polling location in the city limits is at the La Porte Recreation & Fitness Center, Norman L. Malone Senior Center, 1322 S. Broadway, La Porte, 77571 (NOT a 24-hr. location)

Election Day - Tuesday, November 3: 7 a.m. – 7 p.m.

La Porte voters are able to vote at any Harris County location (approx. 800; full list available at HarrisVotes.com)

The election day polling locations in the city limits will be:

- La Porte Recreation & Fitness Center, Norman L. Malone Senior Center, 1322 S. Broadway, La Porte, 77571
- La Porte City Hall Council Chamber, 604 W. Fairmont Parkway, La Porte, 77571
- Bayshore Elementary School Gymnasium, 800 McCabe Road, La Porte, 77571
- Lomax Junior High School Gymnasium, 9801 North Avenue L, La Porte, 77571
- Rizzuto Elementary School Cafeteria, 3201 Farrington Street, La Porte, 77571
- Jennie Reid Elementary School Cafeteria, 10001 W. Fairmont Parkway, La Porte, 77571
- The Academy of Viola De Walt, 401 N. 2nd St., La Porte, 77571
- Bayshore Baptist Church, 11315 Spencer Highway, La Porte, 77571

Exhibit B



GOVERNOR GREG ABBOTT

March 18, 2020

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM 'CLOCK

MAR 18 2020

Secretary of State

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment



GOVERNOR GREG ABBOTT

July 27, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00pm O'CLOCK

JUL 27 2020

Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending certain statutes concerning elections on November 3, 2020.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

A large, stylized handwritten signature of Gregory S. Davidson.

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, pursuant to legislative authorization under Chapter 418 of the Texas Government Code, I have issued executive orders, proclamations, and suspensions of Texas laws in response to the COVID-19 disaster, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, Section 41.001(a) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on November 3, 2020; and

WHEREAS, I issued a proclamation on March 18, 2020, suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise have held elections on May 2, 2020, to move their general and special elections for 2020 only to the November 3, 2020 uniform election date; and

WHEREAS, Texas law provides that eligible voters have a right to cast a vote in person; and

WHEREAS, as counties across Texas prepare for the upcoming elections on November 3, 2020, and establish procedures for eligible voters to exercise their right to vote in person, it is necessary that election officials implement health protocols to conduct elections safely and to protect election workers and voters; and

WHEREAS, in order to ensure that elections proceed efficiently and safely when Texans go to the polls to cast a vote in person during early voting or on election

WHEREAS, Section 85.001(a) of the Texas Election Code provides that the period for early voting by personal appearance begins 17 days before election day; and

WHEREAS, Section 86.006(a-1) of the Texas Election Code provides that a voter may deliver a marked mail ballot in person to the early voting clerk's office while the polls are open on election day; and

WHEREAS, in consultation with the Texas Secretary of State, it has become apparent that for the November 3, 2020 elections, strict compliance with the statutory requirements in Sections 85.001(a) and 86.006(a-1) of the Texas Election Code would prevent, hinder, or delay necessary action in coping with the COVID-19 disaster, and that providing additional time for early voting will provide Texans greater safety while voting in person; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the legislature has expressly authorized the Governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and laws of the State of Texas, do hereby suspend Section 85.001(a) of the Texas Election Code to the extent necessary to require that, for any election ordered or authorized to occur on November 3, 2020, early voting by personal appearance shall begin on Tuesday, October 13, 2020, and shall continue through the fourth day before election day. I further suspend Section 86.006(a-1) of the Texas Election Code, for any election ordered or authorized to occur on November 3, 2020, to the extent necessary to allow a voter to deliver a marked mail ballot in person to the early voting clerk's office prior to and including on election day.

The Secretary of State shall take notice of this proclamation and shall transmit a copy of this order immediately to every County Judge of this state and all appropriate writs will be issued and all proper proceedings will be followed to the end that said elections may be held and their results proclaimed in accordance with law.



IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 27th day of July, 2020.

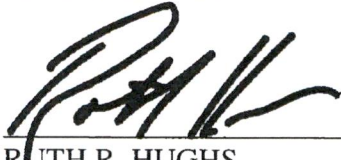
A handwritten signature, likely of Greg Abbott, is located below the text "IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 27th day of July, 2020."

A handwritten signature, likely of Greg Abbott, is located below the text "IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 27th day of July, 2020."

Governor Greg Abbott
July 27, 2020

Proclamation
Page 3

ATTESTED BY:

A handwritten signature in black ink, appearing to read 'R. Hughs', is written over a horizontal line.

RUTH R. HUGHS
Secretary of State

Woodward, Lee

From: Elections Internet <Elections@sos.texas.gov>
Sent: Monday, August 10, 2020 8:29 AM
To: Elections Internet
Subject: MASS EMAIL (CSO-3331) - Early Voting Requirements for November 3, 2020.

Sensitivity: Personal

Dear Election Officials:

On July 27, 2020, Governor Greg Abbott issued a [proclamation](#) suspending Section 85.001(a) of the Texas Election Code to expand the early voting period for the November 3, 2020 elections. We've received a number of questions related to this issue. We would like to clarify several things about the early voting requirements.

1. **Early Voting Period:** The early voting period will begin on Tuesday, October 13, 2020 and end on Friday, October 30, 2020.
2. **Hour Requirements when the County or City is the Early Voting Clerk:** Per Section 85.005(a) of the Election Code, early voting by personal appearance shall be conducted on the weekdays of the early voting period and during the hours that the early voting clerk's main business office is regularly open for business. The early voting clerk can order additional hours beyond the minimum requirements.
 - a. **Hour Requirements when the County or City is NOT the early voting Clerk:** Early voting by personal appearance must be conducted at the main early voting polling place for at least 8 hours each weekday of the early voting period that is not a legal state holiday. If the territory has fewer than 1,000 registered voters, voting shall be conducted at least three hours each day. (Sec. 85.005(b)).
3. **Extended Hour Requirements for County Early Voting Clerks**
 - a. **Extended Hours for Counties (not cities) with a population of 100,000 or greater:** Early voting in the general election for state and county officers must be conducted at the main early voting location for at least 12 hours on each weekday of the **last week** of the early voting period. (Sec. 85.005(c)). The requirement to conduct Saturday and Sunday voting at the main early voting location triggers Saturday/Sunday voting at any mandatory temporary branches in the county election established under Section 85.064(d).
 - b. **Extended Hours for Counties (not cities) with a population under 100,000:** If the county early voting clerk receives a [written request \(PDF\)](#) by at least 15 registered voters of the county for extended hours, early voting in a general election for state and county officers must be conducted at the main early voting location for at least 12 hours on each weekday of the last week of the early voting period. (Sec. 85.005(c)). The written request must be submitted in time to enable compliance with Section 85.067. (Secs. 85.005(c), 85.067(c)). **For November, this deadline is October 20, 2020.**
 - c. **Extended Hours for Cities (even when the county is serving as the early voting clerk):** Per Section 85.005(d), early voting by personal appearance shall be conducted for at least 12 hours on two weekdays. If the county is conducting an election on the city's behalf either as part of a contract for election services or a joint election agreement, the county must comply with this extended hour requirement.
4. **Weekend Hours when the County is the Early Voting Clerk:** The county election officer may [order](#) early voting on any Saturday or Sunday during the early voting period and may determine the hours for such Saturday or Sunday early voting. [Notice of Saturday or Sunday early voting \(PDF\)](#) must be posted continuously for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(c)). The

For Voter Related Information, please visit:



The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.